

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS

November 1, 2005

3:30 P.M. SESSION

ROLL CALL: Joe Brown, Carol Chumney, Barbara Swearengen Holt, E. C. Jones, Myron Lowery, Tom Marshall, Scott McCormick, TaJuan Stout Mitchell, Rickey Peete, Jack Sammons, Brent Taylor and Chairman Edmund Ford

**THE MEETING WAS CALLED TO ORDER
BY THE SERGEANT-AT-ARMS**

INVOCATION

The meeting was opened with prayer by Rev. Anthony Moton from New Zion Missionary Baptist Church. Councilmen Peete and Brown presented Rev. Moton with a certificate naming him Chaplain of the day.

The original of the ordinances, resolutions and documents relating to each item is filed in the office of Council Records and on microfilm in the office of Records Management, Room 2B-08. The original documents shall control in the event of any conflict between the description in these minutes and the original documents.

24. **RESOLUTION ACCEPTING AN OFFER TO PURCHASE CITY OF MEMPHIS OWNED PROPERTY, LOCATED ON THE SOUTH WEST CORNER OF TRINITY AND SANGA ROADS, IN THE AMOUNT OF \$143,000.00. THIS SURPLUS PROPERTY HAS BEEN SUBDIVIDED AS LOT 2, CONTAINING 35,977 SQUARE FEET, MORE OR LESS, OF THE FIRE STATION #54 SUBDIVISION, TWO LOTS – 3.01 ACRES, (OPD CASE NO. S 02-038). LOT 2 HAS BEEN APPROVED FOR C-L (NEIGHBORHOOD COMMERCIAL) ZONING.**

Brown
2nd & Final
Reading

Resolution accepts an offer from Jatinder Sharma and Balivinder Kumar to purchase property located on the west side of Trinity Road and south side of Sanga Road in the City of Memphis, County of Shelby and State of Tennessee. Fire Services has determined that the subject property is surplus. The amount of the offer is \$143,000.00. Per Ordinance, the sale of the subject property is subject to the offer laying over for a subsequent council meeting for a second and final reading, at the second reading additional bids may be made subject to an initial increase of \$500.00 plus additional increases in increments of \$50.00 or more, with said bids being further subject to the terms and conditions of the Offer to Purchase Agreement.

Director of General Services and Director of Fire Services recommend approval

MOTION: Jones
SECOND: Sammons
AYES: Brown, Holt, Jones, McCormick, Mitchell and Sammons
Chumney abstained
Lowery, Marshall, Peete, Taylor and Chairman Ford did not cast a vote

APPROVED

****No other bids were made on this property****

20. **RESOLUTION DECLARING NOVEMBER 7TH – 12TH AS “WEEK OF THE FAMILY.”**

MOTION: Jones
SECOND: Brown

APPROVED, unanimous voice vote

21. **APPOINTMENTS**

MEMPHIS & SHELBY COUNTY BOARD OF ADJUSTMENT

JIM STRICKLAND – REAPPOINTMENT

MEMPHIS & SHELBY COUNTY BOARD OF EQUALIZATION

T. C. HAYNES – REAPPOINTMENT

METRO ALARM REVIEW BOARD

ERVIN B. FREEMAN – APPOINTMENT

MOTION: Brown
SECOND: Jones
AYES: Brown, Chumney, Holt, Jones, McCormick, Mitchell, Peete, Sammons, Taylor
 and Chairman Ford
 Lowery and Marshall did not cast a vote

APPROVED

23. **ORDINANCE AMENDING CHAPTER 4, ARTICLE III, DIVISION 2 OF THE CODE OF ORDINANCES REGARDING GENERAL RESTRICTIONS ON ISSUANCE OF LICENSE TO SELL BEER FOR OFF-PREMISES CONSUMPTION, UP FOR T H I R D AND F I N A L READING.(HELD FROM 10/11; 10/25;11/01)**

Ordinance No. 5134

(Councilman Brown offered an amendment to this Ordinance, stating beer should not be sold in the Residential confines of a Community. This was seconded by Councilwoman Chumney. Councilman Brown then made a motion for this item to be sent back to Committee. This was seconded by Councilman Peete).

Back to Committee on December 6, 2005

22. **ORDINANCE AMENDING CHAPTER 41, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO UPDATE REGULATIONS FOR WRECKERS AND TOWING OPERATORS WITHIN THE CITY OF MEMPHIS, UP FOR T H I R D AND F I N A L READING.(HELD FROM 10/11; 10/25)**

Ordinance No. 5133

Held until December 6, 2005

27. **RESOLUTION INCLUDING CHURCH PARK RENOVATIONS, LOCATED AT BEALE ST. & FOURTH, CIP PROJECT NUMBER PK07082, AS PART OF THE FISCAL YEAR 2006 CAPITAL BUDGET. RESOLUTION STATES THE ADMINISTRATION IS REQUIRED TO PRESENT A PRELIMINARY DESIGN TO THE APPROPRIATE COUNCIL COMMITTEE. RESOLUTION FURTHER REQUESTS APPROVAL FOR CONTINUATION OF PLANS AND SPECIFICATIONS FOR THE TAKING OF BIDS AT AN ESTIMATED CONSTRUCTION COST OF \$2,000,000.00.(HELD FROM 10/25)**

Held until November 15, 2005

31. **RESOLUTION AMENDING THE FY2006 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING A PREVIOUS ALLOCATION OF \$123,433.00 FUNDED BY G.O. BONDS GENERAL FROM CRUMPLER-GLOBAL TO SHELBY, PROJECT NUMBER PW01126 TO GLOBAL DRIVE WEST TO HICKORY EAST TO CRUMPLER, PROJECT NUMBER PW01129. RESOLUTION ALSO APPROPRIATES \$1,600,433.00 FUNDED BY G.O. BONDS GENERAL FOR GLOBAL DRIVE WEST TO HICKORY HILL EAST TO CRUMPLER, PROJECT NUMBER PW01129 FOR A CONSTRUCTION CONTRACT WITH CHANCELOR AND SON, INC.**

Director of Public Works and City Engineer recommends approval

Held until November 15, 2005

32. **JOINT ORDINANCE READOPTING #5028AM, ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS ON MAY 28, 2004 AND THE COUNCIL OF THE CITY OF MEMPHIS ON JULY 6, 2004; SO AS TO MAKER CERTAIN TECHNICAL AND FORMATTING CORRECTIONS THEREIN, UP FOR T H I R D AND F I N A L READING. (HELD FROM 1/4; 4/19; 5/3)**

Ordinance No. 5087

Case No. ZTA 03-002cc

DROPPED

33. **ORDINANCE AMENDING SECTION 29, SIGNS AND SECTION 30, NONCONFORMITIES, UP FOR T H I R D AND F I N A L READING. (HELD FROM 10/25)**

Ordinance No. 5136

Case No. ZTA 05-001cc

Held until November 15, 2005

34. **ORDINANCE EXTENDING FROM THE NORTHERN TERMINUS OF HUNTER'S GLADE LANE TO THE EASTERNTERMINUS OF CALLIE MANOR DRIVE, CONTAINING 22.63 ACRES IN THE AGRICULTURAL (AG) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5138

Case No. Z 05-114cc

Held until December 6, 2005

35. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTHWEST CORNER OF DEXTER ROAD AND DEXTER LANE, CONTAINING 8.06 ACRES IN THE AGRICULTURAL (AG) DISTRICT.**

Case No. PD 05-325cc

Held until December 6, 2005

36. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE WEST SIDE OF MENDENHALL; AT THE WESTERN TERMINUS OF BARRY ROAD, CONTAINING 1.36 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT.(HELD FROM 9/20; 10/11; 10/25)**

Case No. PD 05-334

Held until December 6, 2005

38. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE EAST SIDE OF GRAHAM STREET; +150 FEET SOUTH OF GIVEN AVENUE, CONTAINING 2.35 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT. (HELD FROM 10/25)**

Case No. PD 05-350

DROPPED

25. **RESOLUTION APPROPRIATING \$100,000.00 IN G.O. BOND FUNDS FOR AN AUTOMATED FUEL SYSTEM.**

Council did include Automated Fuel System, CIP Project Number GS01017 as part of the Fiscal Year 2006 Capital Improvement Program.

MOTION: Brown
SECOND: Holt
AYES: Brown, Chumney, Holt, Marshall, McCormick, Mitchell, Peete, Sammons and Chairman Ford
Jones, Lowery and Taylor did not cast a vote

APPROVED

26. **RESOLUTION AUTHORIZING THE SALE OF CITY OWNED VACANT LAND AT 1075 ROZELLE IN THE SOUTH MEMPHIS AREA TO MAUDEANIA MOORE IN THE AMOUNT OF \$500.00. PARCEL NUMBER 03103000011.**

Director of Housing and Community Development recommends approval

MOTION: Holt
SECOND: Peete
AYES: Brown, Holt, Marshall, McCormick, Mitchell, Peete, Sammons and Chairman Ford
Chumney abstained
Jones, Lowery and Taylor did not cast a vote

APPROVED

28. **RESOLUTION APPROPRIATING \$5,671.00, FUNDED BY G.O. BONDS GENERAL IN PK07064 FOR BETHEL LABELLE PLAYGROUND.**

MOTION: McCormick
SECOND: Peete
AYES: Brown, Chumney, Holt, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Ford
Mitchell did not cast a vote

APPROVED

29. **RESOLUTION AMENDING THE FY 2006 CAPITAL IMPROVEMENT BUDGET BY CREATING A PROJECT FOR SAM COOPER PEDESTRIAN BRIDGE AT SEVIER, PROJECT NUMBER PW 02025 AND ACCEPTING \$185,000.00 FUNDED BY LOCAL OTHER REVENUE PER AGREEMENT AND ESTABLISHING AN ALLOCATION OF \$160,500.00 FOR CONSTRUCTION AND \$24,500.00 FOR ARCHITECTURE AND ENGINEERING FUNDED BY LOCAL OTHER REVENUE. RESOLUTION ALSO APPROPRIATES \$24,500.00 FUNDED BY LOCAL OTHER REVENUE FOR ARCHITECTURE AND ENGINEERING FOR SAM COOPER PEDESTRIAN BRIDGE AT SEVIER, PROJECT NUMBER PW02025.**

Director of Public Works and City Engineer recommends approval

MOTION: Holt
SECOND: Sammons
AYES: Brown, Chumney, Holt, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Taylor and Chairman Ford
NAY: Sammons

APPROVED

(Councilman Peete made a motion for the Minutes on item #52 and item #53, from October 25, 2005 Minutes, be held until November 15, 2005 Meeting).

52.

RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE NORTHEAST CORNER OF PIER STREET AND CHANNEL AVENUE, CONTAINING 5.022 ACRES IN THE HEAVY INDUSTRIAL (I-H) DISTRICT. (Held from 9/6)
Case No. SUP 05-207
53.

RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE SOUTHEAST CORNER OF JACK CARLEY CAUSEWAY AND WEST TRIGG AVENUE, CONTAINING 28.951 ACRES IN THE HEAVY INDUSTRIAL (I-H) DISTRICT. (Held from 9/6)
Case No. SUP 05-208

(The Minutes on these two items were held until November 15, 2005 Meeting)

30.

RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$2,584,746.00 FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE GERMANTOWN PARKWAY INTELLIGENT TRANSPORTATION GRANT TO HELP RELIEVE TRAFFIC CONGESTION AND RELATED AIR POLLUTION ON GERMANTOWN PARKWAY ROAD, STAGE ROAD (US 64), WINCHESTER ROAD AND CONNECTING ROADWAYS. RESOLUTION ALSO AMENDS THE FY2006 CIP BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.

City Engineer recommends approval

MOTION: Holt
SECOND: McCormick
AYES: Brown, Chumney, Holt, Jones, Lowery, Marshall, McCormick, Mitchell, Sammons, Taylor and Chairman Ford
Peete did not cast a vote

APPROVED

37.

RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTHWEST AND NORTHEAST CORNERS OF BATTLE CREEK DRIVE AND RALEIGH LAGRANGE ROAD, CONTAINING 7.26 ACRES AND IS GOVERNED BY CONDITIONS OF THE HIDDEN WOODS P.D. (P.B. 139, PG. 12). (HELD FROM 10/25)
Case No. PD 05-349

Applicant: Harold W. Krag, III
James Callahan – Representative

Request: 1. Amend Condition I.C to reduce the number of Open Space Areas from ten (10) to eight (8)

2. Amend the Open Space Areas to delete 2.72 acres and combine it with Area “T” to allow nine(9) single family lots (minimum lot size = 7,300 square feet).

3. Amend Area “F” to allow 3.53 acres of the southern portion of the site to allow twenty-two(22) residential lots (minimum lot size = 4,075 square feet).

LUCB and OPD recommendation: APPROVAL. with conditions

MOTION: Peete
SECOND: Holt
AYES: Brown, Chumney, Holt, Jones, Lowery, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford
Marshall did not cast a vote

APPROVED, as amended

- MOTION: Peete
SECOND: Holt
AYES: Brown, Chumney, Holt, Jones, Lowery, McCormick, Mitchell, Peete, Sammons,
Taylor and Chairman Ford
Marshall did not cast a vote

Joe Webb, 1300 Wesley Dr., Memphis, TN. 38116
 Todd S. Motley, 1264 Wesley Dr., Suite 606, Memphis, TN. 38115
 Tiffany Johnson, 9779 S. Dogwood Manor, Olive Branch, MS. 38654
 Cheryl Forbes, 3003 Airways Blvd., Memphis, TN. 38131
 George Flinn, 4274 Faronia, Memphis, TN. 38116
 Shane Soofi, 4442 Elvis Presley Blvd., Memphis, TN. 38116
 Shelia Houston, 4320 Elvis Presley, Memphis, TN. 38116
 Grover Barnes, 4250 Faronia Rd., Memphis, TN. 38116
 Loyal Featherstone, 3319 Kirby Parkway
 Clarice Hodge, 1364 S. Faronia, Memphis, TN. 38116
 Bennie Marshall, 4266 Elvis Presley, Memphis, TN. 38116

Blanch Thomas, 4513 Dorff Dr., Memphis, TN. 38116

(After a lengthy discussion, Councilman Peete made a motion for this item to be delayed).

(Special Item #2)

MOTION: Peete
SECOND: Marshall
AYES: Chumney, Jones, Lowery, Marshall, Peete, Taylor and Chairman Ford
NAYS: Brown, Holt, McCormick, Mitchell and Sammons

APPROVED, (Item #39 is DELAYED until January 17, 2006)

MINUTES

Approval of the Minutes of the regular meeting of October 25, 2005 with the following motion:

MOTION: Holt
SECOND: Peete
AYES: Chumney, Holt, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford
NAY: Brown

APPROVED, with the exception of item#52 & item#53 Minutes being held until November 15, 2005 Meeting

CONSENT AGENDA – Items 1- 3 & # 41 & #42 may be acted upon by one motion. SEE PAGE FOR ROLL CALL

1. **ORDINANCE REZONING THE NORTHWEST CORNER OF KIMBROUGH STREET AND EASTMORELAND AVENUE, CONTAINING 1.09 ACRES IN THE DUPLEX RESIDENTIAL DISTRICT, UP FOR F I R S T READING.**
- Ordinance No. 5139
Case No. Z 05-119

APPROVED, on First reading

2. **RESOLUTION APPROVING FINAL PLAT OF FRONT BLUFF SUBDIVISION.**
- Case No. S 05-002
Contract No. CR-4984

Resolution approves the final plat located at the corner of South Front Street and Vance Avenue. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

APPROVED

3. **NOTATIONS FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASES WERE HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**
- A. Case No. PD 05-351cc – THE OAKS AT DAVIES PLANTATION P.D.
B. Case No. PD 05-361 – HUDGINS ROAD P.D.
C. Case No. SR 05-901 – ROBERT WOODS SUBDIVISION, SECTION A

Public Hearing Set for November 15, 2005

41. **RESOLUTION APPROVING FINAL PLAT OF COTTON PLANT GROVE SUBDIVISION, 1ST ADDITION, SECTION ‘B’.**
- Case No. S 00-025

Contract No. CR-4985

Resolution approves the final plat located west of Cotton Plant Road, south of Cotton Grove Lane. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

APPROVED

42. RESOLUTION APPROVING FINAL PLAT OF SOMAIN-IAC SUBDIVISION.
Case No. S 05-029

Resolution approves the final plat located on the southeast corner of South Main Street and Vance Avenue. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

APPROVED

ROLL CALL CONSENT ITEMS

MOTION: Marshall
SECOND: Jones
AYES: Brown, Chumney, Holt, Jones, Marshall, McCormick, Mitchell, Peete, Sammons,
Taylor and Chairman Ford
Lowery did not cast a vote

APPROVED

MLGW FISCAL CONSENT- Items 4 & 5, 7 & 8, & 10 - 19 may be acted upon by one motion

4. RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 10871, HMO BENEFIT GROUP AGREEMENT, WITH AETNA U.S. HEALTHCARE, INC. IN AN ESTIMATED FUNDED AMOUNT OF \$911,382.00. (THIS RENEWS THE CONTRACT FOR THE THIRD TERM, 1/1/06 THROUGH 12/31/06, AND COVERS A 5.1% DECREASE IN MEDICAL RATES AND A 7.4% INCREASE IN DENTAL RATES.) (HELD FROM 10/25)

APPROVED

5. RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 10897, MEDICAL BENEFIT PROVIDER, WITH CIGNA HEALTHCARE, INC. IN AN ESTIMATED FUNDED AMOUNT OF \$4,183,054.00. (THIS RENEWS THE CONTRACT FOR THE TENTH TERM, 1/1/06 THROUGH 12/31/06, AND COVERS A 3.2% RATE INCREASE.) (HELD FROM 10/25)

APPROVED

6. RESOLUTION AWARDDING CONTRACT NO. 11042, FACILITIES LOCATION SERVICES, TO HEATH CONSULTANTS, INC. IN AN ESTIMATED FUNDED AMOUNT OF \$773,550.00.

Sent Back to Committee on November 15, 2005

7. RESOLUTION AWARDDING CONTRACT NO. 11051, ROOF MAINTENANCE, TO B FOUR PLIED, INC. IN AN ESTIMATED FUNDED AMOUNT OF \$38,840.00.

APPROVED

- 8. RESOLUTION AWARDING CONTRACT NO. 11058, INDUCTIVELY-COUPLED PLASMA-MASS SPECTROMETER SYSTEM (ICP/MS), TO PERKINELMER LIFE AND ANALYTICAL SCIENCE, INC. IN THE FUNDED AMOUNT OF \$127,566.00.

APPROVED

- 9. RESOLUTION AWARDING CONTRACT NO. 11062, UNDERGROUND CONSTRUCTION, TO A & L UNDERGROUND, INC. IN AN ESTIMATED FUNDED AMOUNT OF \$8,678,497.81.

Sent Back to Committee on November 15, 2005

- 10. RESOLUTION APPROVING EXPEDITED PROCUREMENT REQUEST FOR CHANGE NO. 1 TO CONTRACT NO. 10976, LINE CLEARANCE, WITH BEAN & PRINCE CONTRACTORS, INC., IN AN ESTIMATED FUNDED AMOUNT OF \$1,481,572.40. (THIS RENEWS THE CONTRACT FOR THE FIRST TERM, 10/24/05 TO 10/23/06.)

APPROVED

- 11. RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 10979, NETWORK MAINTENANCE, WITH VENTURE TECHNOLOGIES, IN THE FUNDED AMOUNT OF \$89,136.00. (THIS COVERS ADDITIONAL EQUIPMENT MAINTENANCE AND CISCO CERTIFIED NETWORK PROFESSIONAL (CCNP) SERVICES FOR FOUR NEW PIECES OF EQUIPMENT.)

APPROVED

- 12. RESOLUTION AWARDING CONTRACT FOR CREW CAB AND CHASSIS TO LEWIS FORD, INC. IN THE AMOUNT OF \$59,998.30.

APPROVED

- 13. RESOLUTION AWARDING CONTRACT FOR RACK-MOUNT SERVERS TO BRYTECH, INC. IN THE AMOUNT OF \$27,180.00.

APPROVED

- 14. RESOLUTION AWARDING CONTRACT FOR DIGGER DERRICKS TO ALTEC INDUSTRIES, INC. IN THE AMOUNT OF \$191,000.00.

APPROVED

- 15. RESOLUTION AWARDING CONTRACT FOR AIR COMPRESSORS TO WILLIAMS EQUIPMENT & SUPPLY COMPANY, INC. IN THE AMOUNT OF \$34,630.00.

APPROVED

- 16. RESOLUTION AWARDING CONTRACT FOR HYDRAULIC WINCH TO SCRUGGS EQUIPMENT COMPANY, INC. IN THE AMOUNT OF \$33,425.00.

APPROVED

- 17. RESOLUTION AWARDING CONTRACT FOR UTILITY BODIES, AS FOLLOWS:

Scruggs Equipment Company, Inc.....	\$81,509.00
Altec Industries, Inc.....	<u>17,232.00</u>
	\$98,741.00

APPROVED

18. **RESOLUTION AMENDING PURCHASE ORDER NO. 121632 TO REFLECT NAME CHANGE FROM SOUTHERN MONOPOLE AND UTILITIES COMPANY TO THOMAS AND BETTS, AND TO COVER INCREASE IN AN ESTIMATED AMOUNT OF \$600,000.00.**

APPROVED

19. **RESOLUTION AMENDING PURCHASE ORDER NO. 115742 WITH DLT SOLUTIONS, INC. FOR SOFTWARE UPGRADE TO COVER INCREASE IN THE AMOUNT OF \$114,749.20.**

APPROVED

ROLL CALL MLGW FISCAL CONSENT ITEMS

MOTION: McCormick
SECOND: Sammons
AYES: Brown, Chumney, Holt, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Sammons and Taylor
Chairman Ford did not cast a vote

APPROVED, with the exception of Item #6 & Item #9, being sent back to Committee on November 15, 2005

(Dedrick Brittenum, Jr., took his oath and was sworn in as Interim Council Member for District 4, by Judge Russell B. Sugarmon).

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

ADJOURNMENT

.....
Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

C H A I R M A N

Attest:

Deputy Comptroller/Council Records